

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DYLAN JAMES DOWNEY,

Plaintiff,

Case No. C17-1024-JCC-MAT

V.

ORDER STRIKING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE AN  
AMENDED COMPLAINT

TY TRENARY, *et al.*,

## Defendants.

This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before the court at the present time on plaintiff's motion for leave to file an amended complaint. Plaintiff states in his motion that he is seeking to add to his complaint new defendants, language regarding supplemental jurisdiction, facts supporting his claims, and clarification regarding the question of administrative remedies. (See Dkt. 9.) At this stage of the proceedings, plaintiff's motion for leave to file an amended complaint is unnecessary because defendants have yet to file a responsive pleading and, thus, leave to amend is not required for plaintiff to amend his complaint. See Fed. R. Civ. P. 15(a)(1). However, even if leave of court were required for plaintiff to amend at this juncture, plaintiff's

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1 motion is deficient because he failed to submit with his motion a proposed amended complaint.  
2 *See LCR 15.*

3 If plaintiff wishes to amend his complaint, he must submit an actual amended pleading and  
4 not simply a list of proposed changes to his original pleading. Plaintiff is advised that if he chooses  
5 to file an amended pleading, that pleading will operate as a *complete* substitute for his original  
6 pleading. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.) (citing *Hal Roach Studios, Inc.*  
7 v. *Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990) (as amended), *cert. denied*,  
8 506 U.S. 915 (1992). Reference to a prior pleading or another document is unacceptable -- once  
9 an amended complaint is filed, the original pleading no longer serves any function. Thus, any  
10 amended complaint should clearly identify all intended defendant(s), the constitutional claim(s)  
11 asserted, the specific facts which plaintiff believes support each and every claim, and the specific  
12 relief requested.

13 Based on the foregoing, the Court hereby Orders as follows:

14 (1) Plaintiff's motion for leave to file an amended complaint (Dkt. 9) is STRICKEN.  
15 (2) The Clerk is directed to send plaintiff the appropriate forms so that he may file an  
16 amended complaint. The Clerk is further directed to send copies of this Order to plaintiff and to  
17 the Honorable John C. Coughenour.

18 DATED this 25<sup>th</sup> day of August, 2017.

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Mary Alice Theiler  
United States Magistrate Judge

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